

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

**MICHAEL W. RONDINI, et al.,**

**Plaintiff,**

**vs.**

**TERRY J. BUNN, Jr.,**

**Defendant.**

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**CASE NO.: 7:17-cv-01114-RDP**

**PLAINTIFF’S MOTION TO STRIKE SHERIFF RON ABERNATHY’S MOTION AND  
REQUEST FOR CERTIFIED QUESTION**

COMES NOW, MICHAEL W. RONDINI, the Plaintiff in the above-styled cause, and, moves to strike SHERIFF RON ABERNATHY’S MOTION AND REQUEST FOR CERTIFIED QUESTION as grounds for the objections, the Defendant states as follows:

**A. Sheriff Abernathy does not have standing to propose a question to the Alabama Supreme Court**

Sheriff Abernathy was dismissed without prejudice as a party to this lawsuit by this Honorable Court on January 8th, 2018. (Doc. 61) Additionally, the statute of limitation has expired against Sheriff Abernathy. The claims in the Plaintiff’s lawsuit concerning Sheriff Abernathy (and other Officers) were Federal claims including: violation of 42 U.S.C. § 1983 abuse of criminal process, violation of 42 U.S.C. § 1983 - negligent hiring, training and supervision, and violation of 42 U.S.C. § 1983 – equal protection against investigator Jones and deputy Hastings. (Doc. 7 and Doc. 69). This Honorable Court disposed of the aforementioned Counts pursuant to Federal

law. (Doc. 61) The purpose of a Certified Question to the Alabama Supreme Court is to determine issues of State law. ARAP 18(a). Sheriff Abernathy claims he has standing because of a potential appeal; however, any appeal would pertain to the Federal Claims that the Plaintiff filed. These claims, standards, and the reasons this Honorable Court dismissed these claims have no relation to Alabama intentional tort law. Therefore, Sheriff Abernathy has no standing to propose a question to this Honorable Court.

Respectfully submitted,

/s/Leroy Maxwell, Jr.  
Leroy Maxwell, Jr.  
Attorney for the Plaintiff

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 3, 2020, I electronically filed the foregoing **Motion to Strike** using the CM/ECF system which will send notification of such filing to all counsel of record.

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/s/ Leroy Maxwell, Jr.  
OF COUNSEL